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## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE AGRICULTURAL ADJUSTMENT ADMINISTRATION

**ORDER AMENDING ORDER REGULATING HANDLING IN INTERSTATE AND FOREIGN COMMERCE, AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS, OR AFFECTS INTERSTATE OR FOREIGN COMMERCE, OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON**

Whereas, the Secretary of Agriculture of the United States, hereinafter referred to as the "Secretary", issued an order regulating the handling of walnuts grown in California, Oregon, and Washington, effective on and after October 15, 1935, which order was amended on September 23, 1936, effective on and after September 27, 1936, and further amended on September 23, 1937,<sup>1</sup> effective on and after September 29, 1937 (the said order, as amended, is hereinafter referred to as the "order"); and

Whereas, at the request of the Control Board established pursuant to the provisions of said order, a hearing was held on September 6, 1938, in San Francisco, California, upon the proposed amendment to the order, due notice of such hearing<sup>2</sup> having been given interested parties in accordance with the provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the "act", and the applicable regulations issued thereunder, at which time and place all interested parties were given an opportunity to be heard concerning the proposed amendment to the order; and

Whereas, the Secretary finds upon the basis of the evidence introduced at the said hearing and the record thereof:

1. That the supply of merchantable walnuts available during the crop year

1938-39 for handling in the channels of interstate and foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity, will exceed the consumptive demand for such walnuts during the said period;

2. That a surplus exists in such available supply of walnuts, and that such surplus amounts to at least twenty (20%) per cent of such available supply;

3. That the salable percentage of merchantable walnuts should be eighty (80%) per cent and the surplus percentage should be twenty (20%) per cent;

4. That the fixing of such percentages and the methods provided in the order, as hereby amended, for the disposition of such surplus and for the equalization of the burden of such surplus elimination will tend to establish prices to the growers of such walnuts at a level that will give such walnuts a purchasing power with respect to articles that growers thereof buy equivalent to the purchasing power of such walnuts in the base period, as defined in the order;

5. That the order, as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to walnuts grown in California, Oregon, and Washington, by establishing and maintaining such orderly marketing conditions therefor as will reestablish prices to growers thereof at a level that will give such walnuts a purchasing power with respect to articles that such growers buy equivalent to the purchasing power of such walnuts in the aforesaid base period, at the same time protecting the interest of the consumer by (a) approaching such level of prices, which it is declared in the act to be the policy of Congress to establish, by gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in the domestic and foreign markets, and (b) authorizing no action which has for its purpose the maintenance of prices to growers above the

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<sup>1</sup> 1 F. R. 1455; 2 F. R. 1953 (2288 DI).

<sup>2</sup> 3 F. R. 2133 DI.





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level which it is declared in the act to be the policy of Congress to establish; and

Whereas, the Secretary finds:

1. That the order, as hereby amended, regulates the handling of such walnuts in the same manner as, and is made applicable only to persons in the respective classes of industrial and commercial activities specified in the marketing agreement upon which hearings were held in September 1935, as amended in certain respects and on which amendments a hearing was held in September 1936 and in September 1937;

2. That handlers (excluding cooperative associations of producers who are

not engaged in processing, distributing, or shipping the said commodity or products thereof) of not less than fifty (50%) per cent of the volume of the said commodity covered by the order, as hereby amended, which is produced within the production area defined in the said order, have signed a marketing agreement and an amendment to the same, which marketing agreement, as amended, regulates the handling of said commodity in the same manner as the order, as hereby amended;

3. That the agreement further amending the said marketing agreement, as amended, has been executed by more than three packers, signatory to the said marketing agreement, who during the preceding crop year handled not less than sixty-seven (67%) per cent of the merchantable walnuts handled during such crop year, and has been approved by the Secretary;

4. That the issuance of this amendment to the order is favored by producers who, during the 1937-1938 crop year (which the Secretary hereby determines to be a representative period) have produced for market within the production area specified in said marketing agreement, as amended, and the order as hereby amended, at least two-thirds ( $\frac{2}{3}$ ) of the volume of such commodity produced for market within such production area;

Now, therefore, the Secretary, acting under the authority vested in him by the act, hereby amends the said order, as amended, regulating the handling of walnuts grown in the States of California, Oregon, and Washington, and orders that the handling of such commodity in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity, from and after the effective date herein specified, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as hereby amended, said amendments being as follows:

1. In Section 2 of Article III of the aforesaid order, as amended, delete the period at the end of the first sentence and add the following:

and the salable percentage for the crop year September 1, 1938, to August 31, 1939, shall be eighty (80%) per cent.

2. In section 2 of Article III of the aforesaid order, as amended, delete the period at the end of the next to the last sentence of said section and add the following:

and twenty (20%) per cent, being the difference between the salable percentage for the crop year ending August 31, 1939, and one hundred (100%) per cent, shall be the "surplus percentage" for said crop year.

Nothing contained in this amendment to the order shall be deemed to affect, waive, or terminate any right, duty, obligation, or liability which has arisen or

which may hereafter arise in connection with, by virtue of, or pursuant to any provision of the said order, or affect or impair any right or remedy of the Secretary in connection therewith, except as herein indicated, expressly or by necessary implication.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, acting under the provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, for the purposes and within the limitations therein contained and not otherwise, does hereby execute and issue in duplicate this amendment to the said order under his hand and the official seal of the United States Department of Agriculture in the city of Washington, District of Columbia, on the 4th day of October 1938 and declares this amendment to the said order to be effective on and after 12:01 a. m., Pacific Standard Time, October 8, 1938.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-2919; Filed, October 4, 1938;  
3:14 p.m.]

#### DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE MAINLAND CANE SUGAR AREA FOR THE 1939 CROP

WHEREAS, Section 302 of the Sugar Act of 1937 provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carry-over inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters or sharecroppers.

and

Whereas subsection (c) of section 301 of said act provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce, in excess of the proportionate



share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed, and

Whereas, the Secretary of Agriculture, on September 25, 1938, estimated the amount of sugar required to be processed from the 1939 crop in the mainland cane sugar area to meet the estimated quota (including a normal carryover inventory) for that area, for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed, to be 406,000 tons of sugar, raw value;

Now, therefore, pursuant to the foregoing sections of said act, I, H. A. Wallace, Secretary of Agriculture, do hereby determine that the proportionate share of sugarcane for any farm in the mainland cane sugar area for the 1939 crop shall be as follows:

(a) That the proportionate share shall be calculated by taking 75 per centum of the 1938 proportionate share or 100 per centum of the acreage measured for harvest under the 1938 mainland sugarcane program, whichever is smaller, but in no event shall the proportionate share be in excess of 60 per centum of the crop-land which was suitable for the production of sugarcane during the 1938 crop season, except as hereinafter provided.

(b) That the minimum proportionate share shall be the largest of the following:

1. For any farm, the sum of the acreage planted to sugarcane for sugar in the fall of 1937, the spring of 1938, and the fall of 1938 prior to October 1, 1938, but not in excess of the 1938 proportionate share;

2. For farms having 30 acres or less suitable for the production of sugarcane, one-third of such acreage but not less than 5 acres;

3. For farms having more than 30 acres suitable for the production of sugarcane, ten acres in any event, with a further addition of one-fourth of such acreage in excess of 30 acres, provided there is plowed under a leguminous crop, immediately prior to and in preparation for the 1938 fall planting of sugarcane, on an acreage equivalent to the difference between the acreage determined pursuant to this subsection (3) and section (a) above.

In addition to the foregoing, the following conditions shall be met:

1. That no change shall have been made in the leasing or cropping agreements for the purpose of diverting to any producer any payment to which tenants or sharecroppers would be en-

titled if the 1938 leasing or cropping agreements were in effect.

2. That there shall have been no interference by any producer with contracts heretofore entered into by tenants or sharecroppers for the sale of their sugarcane.

Done at Washington, D. C., this 4th day of October, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[P. R. Doc. 38-2927; Filed, October 5, 1938;  
12:41 p. m.]

#### TITLE 14—CIVIL AVIATION

##### CIVIL AERONAUTICS AUTHORITY

[Regulation 406-A-1]

##### PETITIONS FOR DETERMINATION OF RATES OF COMPENSATION FOR TRANSPORTATION OF MAIL BY AIRCRAFT

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C. on the 4th day of October, 1938.

Acting pursuant to the Authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 406 (a) and 205 (a) of the Act, and finding that its action is desirable in the public interest, is consistent with the provisions of the Act and is necessary and appropriate to carry out the provisions thereof, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

##### REGULATION 406-A-1.—PETITIONS FOR DETERMINATION OF RATES OF COMPENSATION FOR TRANSPORTATION OF MAIL BY AIRCRAFT

(a) *Number of copies.*—Ten copies of each petition shall be filed with the Authority. Only one of such copies need be actually executed on behalf of the petitioner. The names and titles of all signing officers shall be clearly typed or printed beneath their signatures. All unexecuted copies filed with the Authority shall contain typed, printed or facsimile signatures.

(b) *Verification.*—The signed copy of each petition shall be verified by the petitioner. If the petitioner is a partnership, such verification shall be made by two or more of the partners. If it is a corporation, business trust or other similar organization, the petition should be verified by three of its officers, who shall be, respectively, the chief executive, the chief financial, and the chief operating officer. In the event of the unavailability of any such officer, the acting officer charged with the responsibility for his duties may execute such verification in his stead. Every such verification shall set forth that the persons verifying the same have read and are familiar with the contents of the peti-

tion and the attached exhibits; that they intend and desire that in granting or denying the relief applied for, the Authority shall place full and complete reliance on the accuracy of each and every statement therein contained; that they are familiar with the facts therein set forth, and, that to the best of their information and belief, every statement contained in the petition is true and no such statement is misleading. Every such verification shall be subscribed and sworn to before a notary public or other officer authorized to administer oaths in the jurisdiction in which such petition is executed.

(c) *Amendments to petition.*—If, after receipt of any petition, the Authority shall request the petitioner to supply it with additional information, such information, except that furnished in formal proceedings, shall be furnished in the form of an amendment to the original petition. Each amendment (including those made on the petitioner's own initiative) should be consecutively numbered, and shall comply with the requirements of this Regulation as to form, number of copies, manner of execution, verification, and all other essential respects. In the event that any petition shall be amended, the amendment shall contain a statement that a copy thereof has been served on the Postmaster General by sending the same to him by registered mail, postpaid, prior to the filing with the Authority of such amendment.

(d) *Formal requirements.*—Every petition shall be made on paper approximately 8½" x 13" in size except that exhibits or other documents attached thereto may be folded to those dimensions. Every petition shall be typewritten, printed or reproduced by some other process which will produce a clear and durable result on firm, tough paper. Each copy must be clear and legible in all respects. A margin of at least one inch in width shall be left on the left hand side of all pages, and all petitions must be bound on that side. All pages of a petition shall be consecutively numbered and the petition shall clearly describe and identify each exhibit by a separate number or symbol. All exhibits shall be deemed to constitute a part of the petition to which they are attached.

(e) *Time of filing.*—A petition shall be deemed to have been filed only when it is actually received by the Civil Aeronautics Authority at its office in Washington, D. C.

(f) *Contents of petitions.*—The petition should, in accordance with the provision of section 406 (c) of the Act, include a statement of the rate the petitioner believes to be fair and reasonable. In this connection, the rate-making elements set forth in section 406 (b) of the Act should be particularly considered by the petitioner in the prepara-



tion of the petition. Opportunity for argument will be given at the public hearing.

(g) *Service on Postmaster General.*—The petition shall contain a statement that the petition has served a copy of the petition on the Postmaster General by sending the same to him by registered mail, postpaid, prior to the filing of the petition with the Authority. The petition need not be accompanied by any further proof of service, but, upon setting any petition down for public hearing, the Authority will cause notice of such hearing to be given to such interested parties as it deems appropriate in the particular case.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 38-2923; Filed, October 5, 1938;  
11:40 a. m.]

# TITLE 17—COMMODITIES AND SECURITIES EXCHANGES SECURITIES AND EXCHANGE COMMISSION

## REDESIGNATION OF GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

### ADOPTION OF RULE X-5

The Securities and Exchange Commission has adopted for its General Rules and Regulations under the Securities Exchange Act of 1934 a system of designation which indicates the particular sections of the Act to which the respective rules relate. The rules are now available, with the new designations, in printed pamphlet form.

The Commission has also adopted a new rule which provides that where reference has been made to rules under the old system of designation, such reference shall be deemed to refer to the respective rules under the new system of designation. The application of this rule will be temporary since the old designations will be superseded by the new as the various regulations in which such references occur are reprinted.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly section 23 (a) [c. 404, sec. 23, 48 Stat. 901; c. 462, Sec. 8, 49 Stat. 1379; 15 U. S. C. 78w and Sup. III] thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in the Commission, hereby takes the following action:

1. The Commission hereby adopts for its General Rules and Regulations under

the Act the arrangement and system of designation followed in the attached printed copy of "General Rules and Regulations under the Securities and Exchange Act of 1934."<sup>1</sup>

2. The Commission hereby adopts the following new rule:

"SEC. 10.X-5 (RULE X-5). REFERENCE TO  
RULE BY OBSOLETE DESIGNATION

"Wherever in any rule, form, or instruction book specific reference is made to a rule by number or other designation which is now obsolete, such reference shall be deemed to be made to the corresponding rule or rules in these General Rules and Regulations."

The foregoing action shall be effective as of September 10, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-2918; Filed, October 4, 1938;  
12:52 p. m.]

# TITLE 19—CUSTOMS DUTIES BUREAU OF CUSTOMS

[T. D. 49718]

## ENTRY OF ARTICLES FOR EXHIBITION AT THE SEVENTH WORLD'S POULTRY CON- GRESS AND EXPOSITION TO BE HELD AT CLEVELAND, OHIO, BEGINNING IN JULY 1939

SEPTEMBER 29, 1938.

### To Collectors of Customs and Others Concerned:

Attention is invited to the provisions of Public Resolution No. 653 of the Seventy-fifth Congress, approved June 16, 1938, which read as follows:

That all articles which shall be imported from foreign countries for the purpose of exhibition at the international exposition to be held at Cleveland, Ohio, beginning in July 1939 by the Seventh World's Poultry Congress and Exposition, or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exposition, upon which articles there shall be a tariff or customs duty shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during and/or within three months after the close of the said exposition, to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: Provided,

<sup>1</sup> Supplemented by unofficial cross-reference table indicating the designations under which the rules appeared in previous mimeographed Compilations of General Rules and Regulations under the Securities Exchange Act of 1934 and the corresponding designations in the new printed compilation. The printed pamphlet and the unofficial cross-reference table were a part of the original document as filed with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Securities and Exchange Commission.

That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles, which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: Provided further, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: Provided, further, That at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: Provided further, That articles, which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond, and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: And provided further, That the Seventh World's Poultry Congress and Exposition shall be deemed, for customs purposes only to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for articles imported under the provisions of this Act, shall be reimbursed by the Seventh World's Poultry Congress and Exposition to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

(1) All packages containing imported merchandise to be entered under the provisions of the public resolution shall be plainly marked "Seventh World's Poultry Congress and Exposition," and shall bear separate serial numbers.

(2) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of the public resolution and valued at more than \$100, must be covered by consular invoices certified as provided in article 276 of the Customs Regulations of 1937.<sup>2</sup> Such invoices shall contain the information prescribed under section 481 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1481) and shall show that the articles covered thereby are destined to the port of Cleveland, Ohio, and are intended for exhibition or use at the Seventh World's Poultry Congress and Exposition.

<sup>2</sup> F. R. 1512 (1797 DI).



(3) The Seventh World's Poultry Congress and Exposition shall give to the collector of customs at Cleveland, Ohio, such security for compliance with the public resolution and these regulations as may be approved by the Commissioner of Customs.

(4) The collector of customs at Cleveland, Ohio, shall detail an officer to act as his representative at the Seventh World's Poultry Congress and Exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(5) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the Seventh World's Poultry Congress and Exposition or transferred thereto for exhibition, shall be reimbursed by the Seventh World's Poultry Congress and Exposition to the Government, payment to be made monthly to the collector of customs, Cleveland, Ohio, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

(6) Articles to be entered under these regulations which arrive at ports other than Cleveland shall be entered for immediate transportation without appraisement to the latter port in the manner provided by the general customs regulations.

(7) Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the Seventh World's Poultry Congress and Exposition in the manner prescribed in article 453 (c) of the Customs Regulations of 1937,<sup>1</sup> except that in each case an entry under paragraph (9) of these regulations shall be filed, which shall supersede any previous entry, and no new bond other than that specified in paragraph (3) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the Seventh World's Poultry Congress and Exposition in the manner prescribed in article 323 of the Customs Regulations of 1937.<sup>2</sup>

(8) The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (U. S. C., title 7, secs. 151 to 165, inclusive, and sec. 167), shall not be permitted except under permits issued therefor by the Bureau of Entomology and Plant

Quarantine, Department of Agriculture, and in accordance with the plant quarantine regulations.

(9) Upon the arrival at the port of Cleveland of articles to be entered under these regulations the same should be entered on a special form of entry to read substantially as follows:

Entry for Exhibition

Entry No. \_\_\_\_\_

Entry at the Port of Cleveland of articles consigned or transferred to the Seventh World's Poultry Congress and Exposition under

I. T. No. \_\_\_\_\_ ex SS \_\_\_\_\_ from \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_, for exhibition purposes under Public Resolution No. 653 of the Seventy-fifth Congress, approved June 16, 1938.

Mark	Number	Package and contents	Quantity	Invoice	Value

SEVENTH WORLD'S POULTRY CONGRESS AND EXPOSITION.

By \_\_\_\_\_

(10) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. Upon the receipt of the articles at such buildings or at the appraiser's stores, the same shall be given a tentative appraisal prior to their exhibition or use. All imported exhibits so received in such buildings shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with paragraph (12) of these regulations.

(11) If for any reason articles imported for entry under these regulations are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided, or under the general tariff law, or for exportation. If not so entered within such period they will be regarded as abandoned to the Government.

(12) Any articles entered under these regulations may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition. Upon the with-

drawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1501) as amended by section 16 (b) of the Customs Administrative Act of 1938 (Public, No. 721, 75th Congress). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Resolution No. 653 of the Seventy-fifth Congress.

(13) At any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in article 808 of the Customs Regulations of 1937, as amended by (1938) T. D. 49658.<sup>3</sup>

(14) Any articles entered under these regulations which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

(15) All entries under these regulations shall be made in the name of the Seventh World's Poultry Congress and Exposition, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the Act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law, in the name of any person duly authorized in writing by the Seventh World's Poultry Congress and Exposition to make such entry, may be accepted by the collector, and the bond of the Seventh World's Poultry Congress and Exposition shall thereafter be considered as collateral security for any duties and charges accruing on the merchandise covered by any such entry, unless the entry is for permanent exhibition, in which case the liability of the Seventh World's Poultry Congress and Exposition, under its bond with respect to the articles covered by such entry, shall be terminated when the security required by the general tariff law has been given.

<sup>1</sup> 2 F. R. 1547 (1933 DI).

<sup>2</sup> 2 F. R. 1521 (1907 DI).

<sup>3</sup> 3 F. R. 1806 DI.



(16) The marking requirements of the Tariff Act of 1930, as amended by section 3 of the Customs Administrative Act of 1938 (Public, No. 721, 75th Congress), and the regulations promulgated thereunder will not apply to articles imported under these regulations except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act and the regulations promulgated thereunder. No additional duty shall be assessed because such articles were not properly marked when imported into the United States.

[SEAL] STEPHEN B. GIBBONS,  
Acting Secretary of the Treasury.

[F. R. Doc. 38-2922; Filed, October 5, 1938;  
11:19 a. m.]

#### TITLE 24—HOUSING CREDIT

##### HOME OWNERS' LOAN CORPORATION

[Manual Amendment]

#### AUTHORITY TO INCUR EXPENSE AND APPROVE PAYMENT FOR CREDIT REPORTS

Be it resolved, that the first and second paragraphs of Section 104 of the Manual be amended to read as follows:

"Sec. 104. Credit reports may be ordered from established and approved credit agencies by the Regional, State or District Manager, the Regional Counsel, or by brokers, when such credit reports are permitted or required by the regulations or are necessary in the business of the Corporation. The cost of such reports shall not exceed \$1 per report, except as is otherwise herein provided. Credit agencies must be approved by the General Manager or Regional Manager, and notice of such approval shall be filed with the Auditor.

The General Manager may authorize compensation not exceeding \$2 per report to approved credit agencies for such credit reports in localities where such reports can not be obtained at a lower cost, and shall file with the Auditor a schedule of fees in excess of \$1 per report which are authorized generally for any locality, and such reports may be ordered within the limits of such schedules by the officers or brokers aforesaid; provided, that in particular cases where, on account of emergency, special service is required, the General Manager may authorize Regional or State Managers to incur, or may authorize Regional Managers to approve, expenses for credit reports in excess of the above limitations, and provided that the cost to the Corporation of any credit report ordered by a broker shall in no event exceed \$2."

And be it further resolved, that Section 3.15 of Part 3 of Chapter IV of Title 24 of the Code of Federal Regulations is hereby revoked and the corresponding

Section 315 of the Manual is hereby revoked and in lieu of Section 315 of the Manual the following cross-reference shall be set out in the Manual:

"Sec. 315. (See Sec. 104, Chap. I.)"

And be it further resolved, that this Resolution shall be effective on and after July 28, 1938.

(Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by sub-Sections a and k of Section 4 of said Act as amended).

Adopted by the Federal Home Loan Bank Board on September 29, 1938.

[SEAL] R. L. NAGLE,  
Secretary.

[F. R. Doc. 38-2920; Filed, October 4, 1938;  
3:25 p. m.]

#### TITLE 33—NAVIGATION AND NAVIGABLE WATERS

##### WAR DEPARTMENT

#### ANCHORAGE GROUNDS FOR LOS ANGELES AND LONG BEACH OUTER HARBORS, CALIF., AND RULES AND REGULATIONS RELATING THERETO<sup>1</sup>

##### PART I—EXTRACTS FROM LAWS REGULATING THE USE OF NAVIGABLE WATERS

##### Obstruction Prohibited

River and Harbor Act approved March 3, 1899:

Sec. 10. That the creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States is hereby prohibited;

Sec. 12. That every person and every corporation that shall violate any of the provisions of sections nine, ten, and eleven of this Act \* \* \* shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$2,500 nor less than \$500, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court.

Sec. 15. That it shall not be lawful to tie up or anchor vessels or other craft in the navigable channels in such manner as to prevent or obstruct the passage of other vessels or craft, or to voluntarily or carelessly sink, or permit or cause to be sunk, vessels or other craft in navigable channels;

Sec. 16. That every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections thirteen, fourteen, and fifteen of this Act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$2,500 nor less than \$500, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction \* \* \*

<sup>1</sup> Superseding Anchorage Grounds for Los Angeles Harbor, and Rules and Regulations relating thereto, adopted October 26, 1936.

#### Interference with Range Lights Prohibited

Act approved May 14, 1908:

Sec. 6. That it shall be unlawful for any person to obstruct or interfere with any aid to navigation established or maintained in the Lighthouse Establishment under the Lighthouse Board, or to anchor any vessel in any of the navigable waters of the United States so as to obstruct or interfere with range lights maintained therein, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of \$500 for each offense, and each day during which such violation shall continue shall be considered as a new offense.

#### Establishment of Anchorage Grounds Authorized

River and harbor act approved March 4, 1915:

Sec. 7. That the Secretary of War is hereby authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Revenue Cutter Service under the direction of the Secretary of the Treasury: PROVIDED, That at ports or places where there is no revenue cutter available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of War. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of \$100; and the said vessel may be held for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be, and in the name of the officer designated by the Secretary of War.

NOTE.—The Revenue Cutter Service is now included in the United States Coast Guard (act of Jan. 28, 1915). The officer of the Coast Guard Service charged with special duties in connection with the enforcement of these regulations under the direction of the Secretary of the Treasury is designated "Captain of the Port." Complaints arising under these regulations should be addressed to that officer. His office is at room 1003, Continental Building, 408 South Spring Street, Los Angeles, Calif.

#### Establishment of Quarantine Anchorage Grounds

Act approved March 3, 1901:

Sec. 10. That the Supervising Surgeon General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station; \* \* \* (U. S. C. title 42, sec. 102).

##### THE ANCHORAGE GROUNDS

(All azimuths are referred to a true meridian)

Under authority of the provisions of section 7 of the river and harbor act approved March 4, 1915, quoted above, anchorage grounds for vessels in the navigable waters of Los Angeles Harbor, Calif., were defined and established, and rules and regulations relating thereto



were adopted by the Secretary of War under date of October 26, 1936. The anchorage grounds and regulations thus established are hereby rescinded, and the following anchorage grounds and regulations for Los Angeles and Long Beach Outer Harbors are adopted in lieu thereof:

#### *Anchorage A—Yacht and Small Craft Anchorage*

The area northwesterly of a line having a bearing of 215° true from the southwest corner of the six story concrete warehouse on pier 1 and passing through the westerly white cross on the San Pedro breakwater; and northerly of a line parallel to and 200 feet distant from the axis of the San Pedro breakwater; provided that no vessel shall anchor in the entrance or in the easterly 250 feet of West Channel, nor in any part of West Channel for a length of 1,300 feet northwesterly from the most southerly corner of the dredged slip extending easterly from West Channel into Watchorn Basin, nor in the entrance to the said dredged slip.

NOTE.—Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited except in that portion east of the easterly sides of the West Channel and the dredged slip.

#### *Anchorage B—Naval and Temporary Anchorage*

The area southeasterly of a line having a bearing of 215° true from the southwest corner of the six-story concrete warehouse on pier 1, and passing through the westerly white cross on the San Pedro breakwater; southwesterly of a line having a bearing of 135°30' true from the most southerly of two radio towers on United States reservation in San Pedro and passing through the easterly white cross on the San Pedro breakwater; southwesterly of a line having a bearing of 118°30' true from the tall concrete stack located immediately south of the United States reservation in San Pedro; southerly of a line having a bearing of 72°30' true from the east end of Fortieth Street in San Pedro and passing through the roof of the small naval landing near the shore end of the San Pedro breakwater; westerly of a line having a bearing of 171°30' true from the flashing red beacon at the seaward end of the outer mole at Fish Harbor; and northerly of a line parallel to and 200 feet distant from the axis of the San Pedro breakwater.

Note.—In this area the requirements of the naval service will predominate. Floats or buoys for marking anchors or moorings in place will be allowed the Navy in this area. Vessels other than those of the Navy may anchor temporarily in this area when necessary and space permits, but shall move promptly when the necessity passes or whenever the anchorage is needed for naval vessels.

Fixed mooring piles or stakes are prohibited.

#### *Anchorage C—General Anchorage*

The area easterly of the southward prolongation of the westerly side of Reservation Point; northeasterly of a line having a bearing of 120° true from a triangular signal atop the one-story transit shed on pier 1 (this line being the northeasterly side of the main fairway); northwesterly of a line parallel to and 200 feet distant from the axis of the detached breakwater or prolongation thereof; southwesterly of a line having a bearing of 128° true from the flashing red beacon outside the outer mole at Fish Harbor; westerly of a line having a bearing of 159°15' true from the concrete stack of the Pacific Coast Borax Co. on Mormon Island in Wilmington; and northwesterly of a line having a bearing of 185° true from the seaward end of the stone bulkhead at the westerly end of Reeves Field Seaplane Basin, at its juncture with the stone bulkhead which forms the seaward boundary of said Seaplane Basin; provided that no vessel shall anchor within 100 feet of the dredged channel to Fish Harbor or in a position that will obstruct the entrance to this channel.

NOTE.—This anchorage area is reserved for commercial ships of all sizes. Vessels requiring examination by quarantine, custom, or immigration authorities for the ports of Los Angeles or Long Beach may anchor in this area when anchorage H (Quarantine Inspection Anchorage) is not available for this purpose.

The southerly portion of anchorage C is reserved for use as an explosives anchorage, whenever necessity arises for such anchorage. A description of the area available for this purpose will be found under the heading "Explosives Anchorage".

Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited.

#### *Anchorage D, E and F—Naval and Temporary Anchorage*

*Anchorage D.*—The area easterly of a line having a bearing of 159°15' true from the concrete stack of the Pacific Coast Borax Co. on Mormon Island in Wilmington; northeasterly of a line having a bearing of 128° true from the flashing red beacon outside the outer mole at Fish Harbor; northwesterly of a line parallel to and 200 feet distant from the axis of the detached breakwater; southwesterly of a line having a bearing of 156°30' true from the most southwesterly stack of the Southern California Edison Company, at West Long Beach; southeasterly of a line having a bearing of 69° true from the tank located northwesterly of the northeasterly corner of Fish Harbor; southeasterly of the axis of the stone bulkhead forming the seaward boundary of Reeves Field Seaplane Basin; and easterly of a line having a bearing of 185° true from a point on the aforesaid stone bulkhead at its juncture with the stone bulkhead at the westerly end of Reeves Field Seaplane Basin.

*Anchorage E.*—The area easterly of a line having a bearing 183°15' true from the fixed red light No. 4 on the southerly end of the east mole, Long Beach Harbor; northeasterly of a line having a bearing 144°30' true from the most southwesterly stack of the Southern California Edison Company; northwesterly of a line parallel to and 120 feet distant from the axis of the seaward arm of Long Beach breakwater; westerly of a line parallel to and 200 feet distant from the shoreward arm of Long Beach breakwater; southerly of a line having a bearing of 90°30' true from the concrete stack of the Pacific Borax Co. on Mormon Island; and southeasterly of a line having a bearing of 235° true from the aero beacon at First Street and Pine Avenue in Long Beach.

*Anchorage F.*—The area easterly of a line having a bearing 156°30' true from Long Beach Entrance Channel flashing green West Jetty light No. 7; northerly of a line having a bearing 269°30' true from a tank at Sunset Beach (see U. S. C. and G. S. Chart No. 5143); westerly of a line having a bearing 167°30' true from the tower atop the Villa Riviera Hotel and Apartments; and southerly of a line having a bearing of 70° true from the flashing red beacon at the seaward end of the outer mole at Fish Harbor.

NOTE.—In this area the requirements of the naval service will predominate. Vessels other than those of the Navy may anchor temporarily in this area when necessary and space permits but shall move promptly when the necessity passes or whenever the anchorage is needed for naval vessels.

Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited.

#### *Anchorage G—Quarantine Anchorage*

A quarantine anchorage for vessels is established on the seaward side of the seaward arm of Long Beach breakwater, northeasterly of a line having a bearing 156°30' true from Long Beach Entrance Channel West Jetty light No. 7; northwesterly of a line having a bearing 70° true from the flashing red beacon at the seaward end of the outer mole at Fish Harbor; southwesterly of a line having a bearing of 153° true from the inner range light on the center line of Long Beach Entrance Channel; and southeasterly of a line parallel to and 120 feet distant from the axis of the seaward arm of Long Beach breakwater.

NOTE.—The establishment of quarantine anchorages and of rules and regulations governing quarantine and their enforcement are under the Secretary of the Treasury, and under his authority the foregoing anchorage has been established. (See page 3.)

#### *Anchorage H—Quarantine Inspection Anchorage*

The area easterly of a line having a bearing of 171°30' true from the flashing red beacon at the seaward end of



the outer mole at Fish Harbor; northerly of a line parallel to and 200 feet distant from the axis of the San Pedro breakwater; southwesterly of a line having a bearing of 314° true from the flashing green light on the end of the San Pedro breakwater; and southwesterly of a line having a bearing 120° true from the second door from the south end of the one-story wooden transit shed of the Outer Harbor Wharf and Dock Company, (this line being the southwesterly line of the main fairway).

NOTE.—In this area the requirements of the naval service will predominate. This area will be available for vessels undergoing or awaiting quarantine inspection except during periods when its occupancy by the Navy is necessary. In each case in which this area is to be occupied by the Navy the Commander Base Force, U. S. Navy, or his authorized representative, will notify the Captain of the Port and the Medical Officer in charge, Los Angeles Quarantine Station, U. S. Public Health Service, of such prospective occupancy.

#### Explosives Anchorage

That portion of anchorage C described as a circular area of 900 feet radius, with center located 1,000 yards 46° true from the flashing green light on the easterly end of the San Pedro breakwater, is reserved for the anchorage of vessels engaged in carrying, loading, or unloading explosives in quantities up to, but not in excess of, 500 tons. When the explosives anchorage is occupied by a vessel carrying, loading, or unloading explosives, that portion of a circular zone 1,500 feet wide, partially surrounding the explosives anchorage, which lies in anchorages C and D, is forbidden anchorage and shall not be used by any vessels, provided; that vessels of the United States Navy may occupy the zone of forbidden anchorage at the discretion of the Naval authorities. For regulations regarding anchorage of vessels carrying explosives in excess of 500 tons, see Part II, paragraph 4.

NOTE.—When not required for use as an explosives anchorage, the above described area will be considered a part of anchorage C, and will be available for the uses assigned to that anchorage. Vessels engaged in the transportation of explosives will be required to make application in writing, in triplicate, to the Captain of the Port for use of the explosives anchorage not later than noon of the day preceding the anticipated date of occupancy, describing fully and accurately the type and quantity of explosives to be carried, loaded or unloaded; provided that when the anticipated date of occupancy falls on Monday, application must be made not later than noon of the preceding Saturday. The Captain of the Port will, in each case, secure the prior approval of the Commander, Base Force, U. S. Navy, or his authorized representative, before assigning a vessel engaged in transporting explosives to anchorage in this area. (See Part III for regulations.)

#### PART II—THE RULES AND REGULATIONS FOR ANCHORAGES IN GENERAL

1. Except in cases of great emergency no vessel shall be anchored in the navigable waters of Los Angeles and Long Beach Harbors outside of the anchorage areas hereby defined and established.

2. Anchors must not be placed outside the anchorage areas, nor shall any portion of the hull or rigging at any time extend outside the boundaries of the anchorage areas.

3. Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

4. No vessels, other than those of the United States Government, shall anchor in any of the established anchorage areas nor in any other areas within the outer Los Angeles-Long Beach Harbors, as defined by the limits of the San Pedro breakwater, the detached breakwater, and the Long Beach breakwater, nor closer than 1 mile to any point of said breakwaters in the waters seaward thereof, while carrying, loading, or unloading explosives in quantities in excess of 500 tons. Vessels engaged in the transportation of explosives in quantities of 500 tons or less may occupy that portion of anchorage C designated as "Explosives Anchorage", subject to the conditions stated in the note following the description of this anchorage, and in accordance with the rules and regulations set forth in Part III hereof.

5. The instructions of the Captain of the Port assigning vessels to parts of anchorage grounds suitable to their draft; requiring vessels to anchor bow and stern, or with two bow anchors, requiring shifting the anchorage of any vessel within any anchorage ground for the common safety or convenience; or for otherwise enforcing these rules and regulations; shall be promptly followed by owners, masters, and persons in charge of vessels.

6. Permission to anchor in the channels within the limits of Los Angeles and Long Beach Harbors may be granted by the Captain of the Port to plants or vessels engaged in recovering sunken property or in laying or repairing pipe or cable lines legally established, when approved by the United States district engineer, and to plants or vessels engaged in dredging operations when authorized by the district engineer. The provisions of this paragraph shall not apply to plants or vessels engaged under the supervision of the United States district engineer upon works for the improvement of the harbor, but the district engineer will advise the Captain of the Port in all cases where plant is to be employed under his supervision.

7. Nothing in these rules and regulations shall be construed as relieving the owner or person in charge of any vessel or plant from the penalties of the law for obstructing navigation or for obstructing or interfering with range

lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

#### PART III—REGULATIONS GOVERNING THE USE AND NAVIGATION OF THE WATERS OF LOS ANGELES AND LONG BEACH OUTER HARBORS AND THE HANDLING OF EXPLOSIVES THEREIN BY VESSELS CARRYING EXPLOSIVES

##### The Law

Section 7 of the River and Harbor Act approved August 8, 1917, provides as follows:

That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding \$500, or by imprisonment (in case of a natural person) not exceeding six months, in the discretion of the court (33 U. S. C. 1).

NOTE.—The act of Congress approved March 4, 1921, imposes certain restrictions upon the transportation of explosives by common carriers engaged in interstate or foreign commerce, and also provides that "The Interstate Commerce Commission shall formulate regulations for the safe transportation within the limits of the jurisdiction of the United States of explosives and other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, which shall be binding upon all common carriers engaged in interstate or foreign commerce which transport explosives or other dangerous articles by land or water, and upon all shippers making shipments of explosives or other dangerous articles via any common carrier engaged in interstate or foreign commerce by land or water." Under this act the Interstate Commerce Commission has prescribed regulations which were made effective February 1, 1935, and which are published in a pamphlet entitled: "Part V—Regulations for the transportation of explosives and other dangerous articles on freight and freight-and-passenger vessels by water \* \* \*".

Nothing contained in the following regulations shall be construed as relieving any common carrier, owner, shipper or other person subject to regulations prescribed by the Interstate Commerce Commission pursuant to the aforesaid act of March 4, 1921, from full compliance with said Commission's regulations so prescribed.

Any regulations prescribed by the Secretary of War in pursuance of Section 7 of the act of August 8, 1917, may be enforced as provided in Section 17 of the River and Harbor Act approved March 3, 1899, which reads as follows:

Sec. 17. That the Department of Justice shall conduct the legal proceedings necessary to enforce the foregoing provisions \* \* \* and it shall be the duty of the district at-



torneys of the United States to vigorously prosecute all offenders against the same whenever requested to do so by the Secretary of War or by any of the Officials herein-after designated, and it shall furthermore be the duty of said district attorneys to report to the Attorney-General of the United States the action taken by him against offenders so reported, and a transcript of such reports shall be transmitted to the Secretary of War by the Attorney-General; and for the better enforcement of the said provisions and to facilitate the detection and bringing to punishment of such offenders, the officers and agents of the United States in charge of river and harbor improvements, and the assistant engineers and inspectors employed under them by authority of the Secretary of War, and the United States collectors of customs and other revenue officers, shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by the aforesaid sections of this Act, or who may violate any of the provisions of the same; PROVIDED, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials; AND PROVIDED FURTHER, That whenever any arrest is made under the provisions of this Act, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States (33 U. S. C. 413).

#### The Regulations

Under authority of Section 7 of the River and Harbor Act approved August 8, 1917, the following regulations are prescribed to govern the use and navigation of the waters of Los Angeles and Long Beach Outer Harbors, by vessels other than common carriers, carrying explosives:

1. The officer of the Coast Guard designated "Captain of the Port" shall have immediate supervision of the enforcement of these regulations, but such supervision shall not be construed to diminish or affect the duties of other Federal officials as prescribed in Section 17 of the River and Harbor Act of March 3, 1899.

2. The Captain of the Port may, at his discretion, assign guards to supervise the transportation, handling, or transfer of high explosives on, from, to, or between vessels, and he may limit or designate the quantity of high explosives that may be carried by any vessel, except as otherwise provided for by law. He may require that a permit be obtained from him for the movement of such vessels and cargo through any channel or waterway. However, no responsibility of any kind connected with the navigation of such vessel shall, in any case, be assumed by the Captain of the Port.

3. Every vessel loading, unloading, transporting, or containing explosives shall display by day a red flag at least 16 square feet in area at its masthead, or at least 10 feet above the upper deck if the vessel has no mast, and shall display by night a red light in the same position specified for the flag.

4. Every vessel carrying explosives shall be at all times in charge of a competent person. It shall be the duty of such person and of the master of the vessel to make effective the regulations prescribed herein, to instruct employees thoroughly in the provisions of said regulations, to maintain close supervision over all operations where the handling and movement of explosives are involved, and to reduce such handling to a minimum.

5. Nothing in these regulations shall be construed as relieving the master of any vessel carrying explosives from the responsibility of making frequent inspections, both by day and by night, to see that said regulations are complied with, or as relieving the owner and/or the person in charge of any vessel from any liability or penalty incurred by reason of violation of law.

6. To promote uniform enforcement of law and to minimize the dangers to life and property incident to the transportation and handling of explosives on vessels, all vessels carrying explosives within Los Angeles and Long Beach Outer Harbors which are not common carriers subject to regulations of the Interstate Commerce Commission governing the transportation, handling, transfer, and stowage of explosives on, from, to, or between such vessels, shall comply with the applicable portions of such regulations of said commission effective February 1, 1935, and published in the pamphlet entitled: "Part V—Regulations for the transportation of explosives and other dangerous articles on freight and freight-and-passenger vessels by water \* \* \*" as amended by subsequent supplements or in other manner by said commission.

7. When local regulations of any place require previous local authority for the transfer of explosives or fireworks between vessels or between a vessel and a wharf or other place ashore, the Captain of the Port shall permit the removal from the anchorage ground of such vessel containing explosives, to any place covered by such local regulations, only when he is satisfied that the required local authority has been granted.

8. Serious violations of regulations, accidents, fires, explosions, and leakage or breaking of packages of explosives occurring in connection with the operations mentioned in these regulations shall be reported promptly to the Captain of the Port by the master of the vessel concerned.

9. In any case of violation of these regulations, the Captain of the Port is empowered to cause the removal of any vessel or any person or persons from the waters to which these regulations pertain, or to stop the loading or unloading of explosives to or from any vessel in said waters.

10. The term "explosives", wherever used in any of the foregoing rules and regulations or descriptions of an anchorage, shall be held to include only explo-

sives permitted by the Interstate Commerce Commission regulations for interstate and foreign commerce, when packed, marked, labeled, and described as required by the said Commission's regulations.

Recommended September 21, 1938.

M. C. TYLER,  
Brigadier General,  
Acting Chief of Engineers.

Approved September 23, 1938.

[SEAL] HARRY H. WOODRING,  
Secretary of War.

[F. R. Doc. 38-2921: Filed, October 5, 1938;  
9:53 a. m.]

#### TITLE 50—WILDLIFE

##### BUREAU OF BIOLOGICAL SURVEY

##### ORDER PERMITTING FISHING WITHIN LOWER SOURIS MIGRATORY WATERFOWL REFUGE, NORTH DAKOTA

Pursant to regulations 2 and 3 of the regulations of the Secretary of Agriculture, effective November 24, 1937, for the administration of National wildlife refuges, it is hereby ordered that in accordance with the provisions of said regulations fish may be taken for non-commercial purposes each day during the period June 16 to September 15, both dates inclusive, in any year, within the waters of the Lower Souris Migratory Waterfowl Refuge, North Dakota, subject to conditions and restrictions herein specified, except that the season shall not open until July 16 in such areas as the Chief of the Bureau of Biological Survey shall zone and designate for nesting purposes from time to time, depending on local conditions to be determined by him.

1. *Waters open to fishing.*—All waters of the Refuge shall be open to hook-and-line fishing as defined by State law insofar as such fishing is not inconsistent with the primary object for which the refuge is established. In the event that the Chief of the Bureau of Biological Survey shall find that fishing in any of the aforesaid waters is unduly depleting any species of fish therein or is interfering with the use of any particular waters by migratory birds or other wildlife, he may suspend the privilege of fishing in such waters pending final determination by the Secretary of Agriculture.

2. *Routes of travel.*—Persons entering the refuge for the purpose of reaching waters thereof for fishing shall follow such routes of travel as shall from time to time be designated by the officer in charge of the refuge.

3. *State fishing laws.*—Any person who fishes in any waters of the refuge must comply with applicable fishing laws and regulations of the State of North Dakota, and in the absence of any State



law or regulation in respect to the number and size of the fishes that may be taken, the Chief of the Bureau of Biological Survey may fix such limits.

4. *Fishing permits.*—Any person exercising the privilege of fishing within the refuge shall be in possession of a valid State fishing license issued by the State of North Dakota, if such license is required, and shall carry such license on his person while fishing, and when requested to do so shall exhibit it to any representative of the North Dakota State Department of Conservation authorized to enforce the game and fish laws of the State, or to any representative of the Bureau of Biological Survey.

5. *Use of boats.*—The use of boats, rafts, or other floating devices while fishing within the waters of the refuge is prohibited.

6. *Hook-and-line fishing.*—Fishing is permitted only by the use of hook and line, as defined by State law, in such manner as will not interfere with the objects for which the refuge was established. The use of nets, seines, hoop nets, traps, set lines, or other similar contrivances is prohibited. Commercial fishing, as defined by State law, is prohibited in any waters of the refuge.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the City of Washington this 5th day of October 1938.

[SEAL] M. L. WILSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 38-2928; Filed, October 5, 1938;  
12:41 p. m.]

## Notices

### FEDERAL TRADE COMMISSION.

#### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2850]

#### IN THE MATTER OF UNITED DISTILLERS PRODUCTS CORPORATION

#### ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 10, 1938, at nine o'clock in the forenoon of that day (eastern standard time) in Room 35, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2924; Filed, October 5, 1938;  
11:43 a. m.]

#### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington D. C., on the 3rd day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3314]

#### IN THE MATTER OF PRIMROSE HOUSE, INC., DELV. LIMITED

#### ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, October 11, 1938, at nine o'clock in the forenoon of that day (eastern standard time) in Room 35, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2925; Filed, October 5, 1938;  
11:44 a. m.]

#### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 3rd day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3490]

#### IN THE MATTER OF VOSS COMPANY, INC.

#### ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 12, 1938, at nine o'clock in the forenoon of that day (eastern standard time) in Room 35, United States Court House, Foley Square, New York City, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2926; Filed, October 5, 1938;  
11:44 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

#### *United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of October, A. D. 1938.

[File No. 32-103]

#### IN THE MATTER OF INDIANA GENERAL SERVICE COMPANY

#### ORDER EXEMPTING ISSUE AND SALE OF BONDS

Indiana General Service Company, a subsidiary of American Gas and Electric Company, a registered holding company, having filed an application and amendment thereto pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the Act of the issue and sale of \$6,500,000 of its First Mortgage Bonds, 3¼% Series due 1963;

A hearing on such matter having been held after appropriate notice; the record in this matter having been examined; and the Commission having



made and filed its findings herein; and having received the representations of the Guaranty Trust Company that said Trust company shall resign as Trustee under the proposed indenture within sixty days after the said issue and sale of the proposed securities, unless the Commission decides that there is no such substantial conflict of interest as to make such resignation advisable;

*It is ordered,* That the issue and sale of the aforesaid securities in accordance with the terms and conditions set forth in, and for the purposes represented by said application, be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; upon the further condition that if the express authorization of the issue and sale of such securities by the Public Service Commission of Indiana shall be revoked or otherwise terminated this exemption shall immediately terminate without further order of this Commission, and upon the further condition that within ten days after the issue and sale of the proposed bonds the applicant shall file with this Commission a Certificate of Notification showing that such issue and sale have been effected in accordance with the terms and conditions of and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-2929; Filed, October 5, 1938;  
12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of October, A. D. 1938.

[File Nos. 32-57, 47-14]

**IN THE MATTER OF DRESSER POWER CORPORATION**

**ORDER CONSENTING TO WITHDRAWAL OF APPLICATIONS**

Dresser Power Corporation, a subsidiary of the trustee of Midland United Company, a registered holding company, having heretofore filed with this Commission an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of securities of the applicant; and

Said Dresser Power Corporation having filed an application pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935 for approval of acquisition of utility assets or interest in business; and

Said Dresser Power Corporation having thereafter requested the withdrawal of said applications without prejudice;

The Commission consents to the withdrawal of the above applications without prejudice and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-2930; Filed, October 5, 1938;  
12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of October, A. D. 1938

[File No. 32-104]

**IN THE MATTER OF VIRGINIA ELECTRIC AND POWER COMPANY**

**ORDER EXEMPTING ISSUE AND SALE OF BONDS AND NOTES**

Virginia Electric and Power Company, a subsidiary of Engineers Public Service Company, a registered holding company, having filed an application and amendments thereto pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the Act of the issue and sale of \$37,500,000 of its First and Refunding Mortgage Bonds, Series B, 3½% due September 1, 1968 and \$4,000,000 of its notes to be issued to banks, to be dated October 10, 1938 to October 1, 1939 to mature serially from May 1, 1940 to November 1, 1946 and to bear interest at the rate of 3%;

A hearing on such matter having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered,* That the issue and sale of the aforesaid securities in accordance with the terms and conditions set forth in, and for the purposes represented by said amended application, be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; upon the further condition that if the express authorization of the issue and sale of such securities by the State Corporation Commission of Virginia and/or the express authorization of the issue and sale of such securities by the Utilities Commission of North Carolina shall be revoked or otherwise terminated this exemption shall immediately terminate without further order of this Commission, and upon the further condition that within ten days after the issue and sale of the proposed bonds and each serial issue and sale of the proposed notes the Applicant shall file with this Commission a Certificate of Notification showing that such issue and sale have been effected in accordance with the terms and conditions of and for the pur-

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poses represented by said amended application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-2932; Filed, October 5, 1938;  
12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of October, A. D. 1938.

[File No. 46-45]

**IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA**

**ORDER CONSENTING TO WITHDRAWAL OF APPLICATION**

Public Service Company of Indiana, a subsidiary of the trustee of Midland United Company, a registered holding company, having heretofore filed with this Commission an application pursuant to Section 10(a)(1) of the Public Utility Holding Company Act of 1935, for approval of acquisition of securities; and

Said Public Service Company of Indiana having thereafter requested the withdrawal of said application without prejudice;

The Commission consents to the withdrawal of the above application without prejudice and to that effect.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-2933; Filed, October 5, 1938;  
12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of October, A. D. 1938.

[File No. 57-2 and 44-16]

**IN THE MATTER OF AMERICAN STATES UTILITIES CORPORATION AND DEARBORN-RIPLEY LIGHT & POWER COMPANY**

**NOTICE OF AND ORDER FOR HEARING**

Applications pursuant to section 12 (c) and Rule U12D-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered,* That a hearing on such matter be held on October 21, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in re-



spect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered,* That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest

or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 17, 1938.

The matter concerned herewith is in regard to a joint application by American States Utilities Corporation (a registered holding company) and Dearborn-Ripley Light & Power Company (its wholly owned subsidiary) pursuant to Rule U12D-1 seeking the Commission's approval of the sale of all the physical assets of Dearborn-Ripley Light & Power Company to Public Service Company of Indiana (a non-associated company), for \$65,000, the amount being subject to certain adjustments as set forth in the application; said appli-

cation stating that the proceeds of such sale will be applied by Dearborn-Ripley Light & Power Company to the partial discharge of its obligations to American States Utilities Corporation, and in turn will be applied by American States Utilities Corporation, as required by its charter, to the purchase and retirement of its preferred stock; and an application by American States Utilities Corporation pursuant to Section 12 (c) seeking the approval of the Commission of the acquisition and retirement of its preferred stock by tender.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 38-2931; Filed, October 5, 1938;  
12:48 p. m.]